

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Reexamination of the Comparative Standards)	MM Docket No. 95-31
for Noncommercial Educational Applicants)	
)	
Association of America's Public Television)	
Stations' Motion for Stay of Low Power)	
Television Auction (No. 81))	

REPLY COMMENTS OF CHANNEL 6 PUBLIC TELEVISION STATIONS

Arkansas Educational Television Commission, Board of Regents for Benefit of the University of Arizona, Central Michigan University, KVIE, Inc., Prairie Public Broadcasting, Inc., and Rocky Mountain Public Broadcasting Network, Inc. (collectively, the "Channel 6 PTV Licensees"), by their attorneys, submit these reply comments in the above-captioned proceeding.

The Channel 6 PTV Licensees strongly oppose the reallocation of TV Channel 6 (82-88 MHz) and are compelled to file reply comments due to the importance of this issue. The Channel 6 PTV Licensees believe that the reallocation of their Channel 6 spectrum is beyond the scope of this proceeding and that TV stations with NTSC Channel 6 allotments should be allowed to elect to retain TV Channel 6 for DTV operations at the end of DTV conversion.

BACKGROUND

In its Comments filed May 15, 2002, National Public Radio (“NPR”) suggested for the first time in this seven-year proceeding that the FCC should reallocate TV Channel 6 (82-88 MHz) for additional noncommercial radio use. Interestingly, three (3) of the six Channel 6 PTV Licensees participating in these instant comments are “joint” public TV and public radio licensees, and, therefore, NPR members. However, none of these three (3) NPR member station licensees support the reallocation of TV Channel 6, as proposed by NPR.

The Channel 6 PTV Licensees are licensees of public television stations that operate on TV Channel 6 in the following markets: Mountain View, Arkansas; Tuscon, Arizona; Alpena, Michigan; Minot, North Dakota; Denver, Colorado; and Sacramento, California. The Channel 6 PTV Licensees are a diverse group of licensees: some serve major markets, while others serve largely rural areas. Some are nonprofit community licensees, some are university licensees and some are governmental entities that provide statewide public television service. The Channel 6 PTV Licensees must make careful use of federal and state funds and private donations in order to sustain their current operations and accomplish the transition to DTV. They are vitally concerned with the financial and operational challenges that DTV conversion presents for themselves and for their viewing public. The Channel 6 PTV Licensees submit that reallocation of Channel 6 spectrum will not serve the public interest, but will impose unnecessary additional burdens on public television stations on Channel 6 that will impede an orderly transition to DTV.

DISCUSSION

NPR should not, at this late date, be heard to suggest reallocating 82-88 MHz. Indeed, this is not the appropriate proceeding at all for resolution of the issue. Reallocation of TV Channel 6 should be addressed (if it is addressed at all), as part of appropriate DTV proceedings, as the use of 82-88 MHz is intrinsically related to DTV conversion and the Channel 6 PTV Licensees' long-range plans for use of DTV spectrum.

Moreover, NPR's Comments even point out that it has also raised the issue of use of 82-88 MHz (and the Channel 6 PTV Licensees have opposed such use) in the proceedings relating to digital audio broadcasting. There is simply no good reason (and really no reason at all) for addressing this issue in the final stages of a multi-year proceeding that seeks only to resolve the issue of competition for non-reserved spectrum by noncommercial educational and commercial broadcast applicants in light of the *NPR v. FCC* case.

The future of TV Channel 6 (as a DTV channel) should not be determined until reliable information about the propagation propensities of 82-88 MHz for DTV use is developed. If TV Channel 6 is appropriate for DTV use (which seems to be the case based on data to date), all broadcasters with NTSC Channel 6 TV allotments should be allowed to elect to use Channel 6 as their permanent DTV Channel (and give back their paired DTV channel) at the end of DTV transition, just like other broadcasters have the option to elect which channel to give back and which to keep.

Precluding use of Channel 6 for DTV at the end of conversion will have adverse consequences for the Channel 6 PTV Licensees. The most extreme consequence will

confront the Channel 6 PTV Licensees that were assigned out-of-core “paired” DTV Channels. For example, Central Michigan University, licensee of NTSC Channel 6 Station WCML-TV, was assigned DTV Channel *57, Alpena, Michigan, and Prairie Public Broadcasting, Inc., licensee of NTSC Channel 6 Station KSRE, was assigned DTV Channel *57, Minot, North Dakota. Both of these Channel 6 stations are contemplating a return to Channel 6 for DTV operations at the end of DTV transition, in part, due to the uncertainties and costs associated with the fact that Channel 57 is not allowed for DTV use following the transition. Both of these Channel 6 stations serve sparsely populated rural areas and provide the sole public television service available; both stations have faced tremendous challenges in finding the necessary public and private funds to construct DTV facilities. For public broadcasters, like these, that face unique financial hurdles for DTV transition, taking away the option to return to their existing NTSC Channel 6 at the end of the conversion will work an extreme hardship.

Each of the Channel 6 PTV Licensees would like to preserve the option to returning to Channel 6 at the end of DTV conversion for pure cost-efficiency reasons alone. The difference in annual costs of operating a VHF Station on Channel 6 versus a “replicating” UHF Station on Channel 15-53 is tremendous. The annual power cost alone to operate a UHF station can be more than 1,000 times higher than a VHF operation. For a public broadcaster that needs to make station operations as efficient as possible to survive in the dynamic media marketplace in difficult economic times, while finding funds to convert to DTV (including funds for the operation of two stations – one analog and one digital—throughout transition), these operational costs are significant budgetary items that will directly affect what the public broadcaster can spend on other budget line

items, such as local programming and outreach. The Commission should not force the Channel 6 PTV Licensees to forego more cost-effective VHF operations by reallocating that spectrum to other uses.

In addition, the Channel 6 PTV Licensees have concerns about whether their “paired” DTV channel will be able to replicate the service currently provided on TV Channel 6 in the real world. For example, they are concerned that, even with high powered UHF operations, the signal reach will not approach that of the existing Channel 6 signal. This is a particular concern for stations with viewers and cable systems that are already near the “edge” of the Channel 6 signal; depending on the real world propagation of the DTV UHF signal, some of these viewers and cable systems may no longer be able to receive off-air public television signal. These concerns are made particularly acute by the uncertainty associated with DTV must-carry for public television’s multi-cast programming. Simply put, reallocation of TV Channel 6 could adversely affect viewer reception and enjoyment of public television broadcasting.

CONCLUSION

For all these reasons, the Channel 6 PTV Licensees strenuously oppose any reallocation of TV Channel 6, including the reallocation proposed by NPR.

Respectfully Submitted,

**ARKANSAS EDUCATIONAL
TELECOMMUNICATIONS COMMISSION**

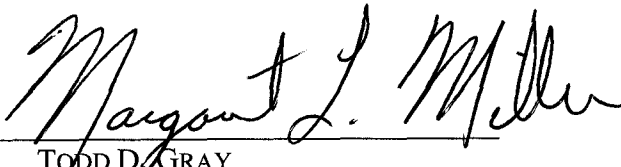
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